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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,757	08/09/2002	Wai Kai Wong	Q68693	8829
757	7590	05/31/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,757

Applicant(s)

WONG, WAI KAI

Examiner

Daniel Previl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/31/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-12 are presented for examination.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "band configured to be detachably secured around a body part of the person" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Cukale (US 3,840,853).

Regarding claim 1, Cukale discloses a flashing device comprising a detachable, wearable band (abstract) comprising: means contained within the wearable band for sensing movement (mercury switches 45 (fig. 5) of the band (belt) (fig. 1, ref. 11) and generating a trigger signal in response to movement (col. 3, lines 31-43); a circuit means (circuit 10) (fig. 1) contained within the wearable band and responsive to trigger signal to generate an illumination signal and at least one light which is illuminated in response to illumination signal (lights will flash to make the presence of the cyclist known) (fig. 1; col. 57-65) at least one light disposed for visibility from the wearable band which is illuminated in response to illumination signal (lamps 24 flash to attract attention) (fig. 1; fig. 3; col. 1, lines 57-65; col. 3, lines 31-43).

Regarding claim 2, Cukale teaches a flashing device (fig. 1) wherein the band is worn on a user's arm or waist and movement of the user causes at least one light to flash (col. 2, lines 51-52; col. 1, lines 58-68).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cukale (US 3,840,853) in view of Trattner et al. (US 5,463,537).

Regarding claim 3, Cukale discloses all the limitations set forth in claim 1 but fails to explicitly disclose the movement means includes a motion switch having a conducting sphere movable in a space defined by a plurality of conducting parts.

However, Trattner discloses the movement means includes a motion switch (steel ball 22) having a conducting sphere movable in a space defined by a plurality of conducting parts (lever 18 and conductor 11) (fig. 3; col. 3, lines 23-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Trattner's conducting sphere movable in Cukale. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

Regarding claim 4, Cukale and Trattner disclose all the limitations in claim 2 and Trattner further discloses the trigger signal is generated when sphere moves into contact with at least two of parts (col. 3, lines 27-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Cukale. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

Regarding claim 5, Cukale and Trattner disclose all the limitations in claim 2 and Trattner further discloses the circuit means (body 4) includes an integrated circuit (body 4) connected to the motion switch (ball 22) and mounted on a printed circuit board (surface) integrated in the band (sneaker at the laces) (fig. 3; col. 3, lines 20-33; col. 4, lines 26-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Trattner in Cukale. Doing so would provide the system with the capability of triggering a signal upon movement of the user in order to increase the visibility of the user traveling at night or bad weather to enhance user's safety as taught by Trattner (col. 1, lines 6-30).

2. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cukale (US 3,840,853) in view of Gerry et al. (CA 2024665)

Regarding claim 6, Cukale discloses all the limitations in claim 1 but fails to explicitly disclose at least one light comprises light emitting diodes (LEDs) distributed along band.

However, Gerry discloses LEDs 14 disposed along band 8 (fig. 1; page 6, col. 3-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Gerry's LEDs in Cukale in order to increase visibility of the band to preclude accidents from happening thereby ensuring long term reliability and performance of the unit as taught by Gerry (page 7, lines 10-15).

Regarding claim 7, Cukale discloses all the limitations in claim 1 but fails to explicitly disclose the LEDs include at least two sets of LEDs which are alternately illuminated when trigger signal is generated.

However, Gerry discloses LEDs include at least two sets of LEDs 14 (fig. 1) which are alternately illuminated when trigger signal is generated (fig. 1; fig. 7; page 6, lines 26-36).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Gerry's LEDs in Cukale in order to increase visibility of the band to preclude accidents from happening thereby ensuring long term reliability and performance of the device as taught by Gerry (page 7, lines 10-15).

Allowable Subject Matter

3. Claims 8-12 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: In combination with all the limitations in the claim, the prior arts fail to teach or make obvious: a control circuit having an interface pin coupled to the voltage source, an input pin coupled to the motion switch and one or more output pins coupled to the plurality of light emitting diodes, the control circuitry responsive to receipt of the trigger signal at the input pin to generate a pattern of electrical signals at the one or more output pins for selectively illuminating the plurality of light emitting diodes in a flashing pattern.

Response to Arguments

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morse (US 4,523,258) discloses a flexible safety belt with flashing light-emitting devices and alarm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl
Examiner
Art Unit 2636

DP
May 18, 2005



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